

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

JAMES C. JUSTICE COMPANIES, INC., )  
SOUTHERN COAL CORPORATION, )  
SOUTHERN COAL SALES )  
CORPORATION, VIRGINIA FUEL )  
CORPORATION, KENTUCKY FUEL )  
CORPORATION, TAMS MANAGEMENT, )  
INC., A & G COAL CORPORATION, )  
BLACK RIVER COAL, LLC, JUSTICE LOW )  
SEAM MINING, INC. and SEQUOIA )  
ENERGY, LLC, )

Plaintiffs,

v.

XCOAL ENERGY & RESOURCES, XCOAL )  
ENERGY & RESOURCES, LLC and )  
ERNIE L. THRASHER, )

Defendants.

Case No. 7:12-cv-00265-JCT

Hon. James C. Turk

**STIPULATION OF DISMISSAL**

The parties, by undersigned counsel, having executed and entered into mutually agreed upon settlement agreements and related documents, and in consideration thereof having resolved all claims and counterclaims respectively between them, hereby STIPULATE that this civil action be DISMISSED with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

PLAINTIFFS, by counsel

DEFENDANTS, by counsel

  
Allen W. ("A.J.") Dudley, Jr.  
Counsel for Plaintiffs

  
Bruce A. Americus  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

On this 29<sup>th</sup> day of August, 2013, the foregoing was filed with the CM/ECF system which will send notice of filing to all counsel of record who are certified for electronic filing.

By: /s/ Allen W. Dudley, Jr.